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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,487

03/09/2004

Yuichi Ueda

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7590

07/31/2006

KUSNER & JAFFE

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,487

Applicant(s)

UEDA, YUICHI

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 2 & 5-6 are objected to because of the following informalities: With respect to forming (see claim 2, line 16 for example), it is confusing whether the running truck body, upper truck body and poles have been formed from rectangular pipe, e.g. manufactured as in product by process, or are rectangular in shape. The former does not necessarily mean that the finished product is rectangular; only that it the raw product was rectangular. The Examiner assumed that Applicant intended the structure to be rectangular in shape. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the wheels" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

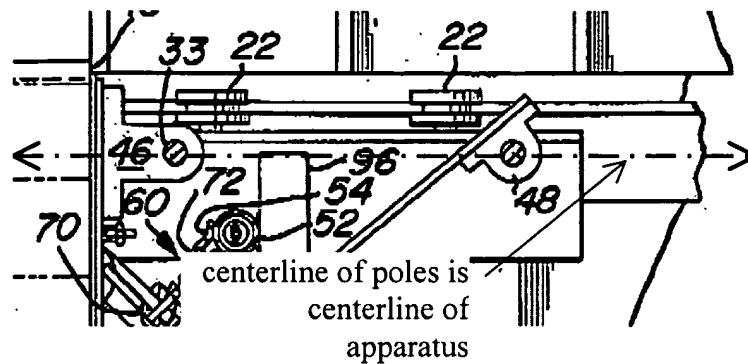
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 2, 4-5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 4,113,119) (previously cited) in view of Paulmichl (US 6,109,853).

With respect to claims 2, 4-5, 8-9, Brown et al. disclose an apparatus comprising an elongated truck body 20, platform 36, 84, upper truck body 18, wheels 22 provided in a running truck body 20, and raising and lowering poles 33, 34 connected to a same vertical side surface. Brown et al. discloses attaching poles to vertical side faces (FIG. 1) of an upper truck body 18, and does not disclose forming a truck body, upper truck body and poles from one-piece rectangular pipe having four flat sides and connecting poles to a truck body vertical side. With respect to FIG. 2, Paulmichl discloses a wheels in a running truck body, rectangular shaped elongated truck body, upper truck body, and poles 14-17 from one-piece rectangular pipe and further discloses attaching poles 14-17 to vertical side faces of an elongated truck body. It is noted that as Paulmichl discloses seamless rectangular tubing they inherently are formed from one-piece rectangular pipe. Paulmichl teaches an apparatus comprising these elements produces an apparatus of "much higher speed of handling" and operating "safely and relatively free of wear and tear." C1/L30-38. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown's apparatus to include wheels in a running truck body, a rectangular shaped elongated truck body, upper truck body, and poles from one-piece rectangular pipe and attaching poles to vertical side faces of an elongated truck body, as per the teachings of Paulmichl, for improved performance, safety and reliability.



With respect to claim 2, line 16 (see also claims 5-6) and claim language comprising forming, i.e. manufacturing, an elongated running truck body and poles from rectangular pipe Applicant is respectfully reminded that in a product-by-process claim patentability of a product does not depend on its method of production wherein determination of patentability is based on the product itself. MPEP 2113. In this case, by definition since the cited prior art discloses rectangular elongated truck body and poles they were formed from one-piece rectangular tubing.

2. Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 4,113,119) in view of Paulmichl (US 6,109,853) and Ohgita et al. (US 5,450,929) (previously cited).

With respect to claim 6, Brown et al. disclose an apparatus comprising an elongated truck body 20, platform 36, 84, upper truck body 18, wheels 22, and raising and lowering poles 33, 34 connected to a same vertical side surface. Brown et al. discloses attaching poles to vertical side faces (FIG. 1) of an upper truck body 18, and does not disclose rope, forming a truck body, upper truck body and poles from one-piece rectangular pipe having four flat sides and connecting poles to a truck body

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vertical side. With respect to FIG. 2, Paulmichl discloses a rectangular shaped elongated truck body, upper truck body, and poles 14-17 from one-piece rectangular pipe and further discloses attaching poles 14-17 to vertical side faces of an elongated truck body. It is noted that as Paulmichl discloses seamless rectangular tubing they inherently are formed from one-piece rectangular pipe. Paulmichl teaches an apparatus comprising these elements produces an apparatus of "much higher speed of handling" and operating "safely and relatively free of wear and tear." C1/L30-38. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown's apparatus to include a rectangular shaped elongated truck body, upper truck body, and poles from one-piece rectangular pipe and attaching poles to vertical side faces of an elongated truck body, as per the teachings of Paulmichl, for improved performance, safety and reliability.

Ohgita et al. discloses a pair of ropes (generally indicated as 30) are connected to a platform 16 in a vicinity of a center. C7/L60-62. Ohgita et al. teach a drive device, two ropes for lifting a platform such that maintenance-elevator-equipped handling apparatus "permits easy and safe transfer between a carriage and a maintenance elevator." C3/L10-11. It is noted that Ohgita et al. disclose that "ropes and chains or the like" are well known in the art as providing a vertical drive unit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Brown et al. to include a pair of ropes and drive device, as per the teachings of Ohgita et al., to permit easy and safe transfer between a carriage and maintenance elevator.

With respect to claim 10, Brown does not disclose control panel. Ohgita discloses a control panel 55, 135 "to drive the motor to rotate the vertical drive chain forward and reverse, whereby the elevator cab will be moved upward and downward along the guide rail." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Brown et al. to include a control panel, as per the teachings of Ohgita et al., to permit an operator access to a drive motor and chain.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 4,113,119) in view of Paulmichl (US 6,109,853), Ohgita et al. (US 5,450,929) and Lukasey et al. (US 3,891,063) (previously cited).

With respect to claim 7, Brown et al. does not disclose a tension springs and chain bolts. Brown et al. discloses a spring 96 and chain bolt 92 connecting a rope end 54 such that spring 96 biases a platform downwardly, and the extent to which the spring can be preloaded is determined by the position of the locknuts 95 along the threaded lower end of the post. C7/L10-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Brown to include springs and chain bolts to bias platform downwardly.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 4,113,119) (previously cited) in view of Paulmichl (US 6,109,853) and Piccini (US 6,042,322).

With respect to claim 8, Brown et al. do not disclose a drive running device. Piccini discloses a drive running device 202 located on a vertical side of a raising and

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lowering pole 101 opposite from a vertical side surface of a raising and lowering pole connecting to a vertical side surface of a running truck body that improve ergonomic management of the store and stability of stacking metal sheets. C1/L45-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Brown et al. to locate a drive running device on a vertical side opposite a pole and elongated body, as per the teachings of Piccini, to improve ergonomics and stability of storage.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 4,113,119) in view of Paulmichl (US 6,109,853) and Benjamin (US 4,286,911) (previously cited).

With respect to claim 11, Brown et al. does not disclose a shock absorber. Benjamin discloses a shock absorber 35 which "are pressed inwardly when the crane contacts an obstacle during its travel, such as a projecting pallet or an end stop signaling that the crane is nearing a wall; the depression of the bumper immediately disables the driving force for the crane and brings same to a halt." C6/L15-22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Brown et al. to include shock absorbers, as per the teachings of Benjamin to disable an apparatus when nearing a wall.

Response to Arguments

Applicant's arguments with respect to claims 2, 4-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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